

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6115

BILL NUMBER: HB 1262

NOTE PREPARED: Nov 25, 2008

BILL AMENDED:

SUBJECT: Statute of Limitations for Sex Offenders.

FIRST AUTHOR: Rep. Foley

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill specifies that certain Class A felony sex offense prosecutions may be commenced at any time.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2009.

Explanation of State Expenditures: Of the sex crimes affected by this bill – child molesting, vicarious sexual gratification, child solicitation, child seduction, and incest – only child molesting and vicarious sexual gratification can carry a Class A felony. Of these two offenses, LSA found no offenders who were sentenced to the Department of Correction (DOC) for vicarious sexual gratification as a Class A felony. The number of offenders committed to DOC each year between 2003 and 2007 for a Class A felony involving child molesting ranged from 95 to 115.

If convictions occur due to new prosecutions, more offenders may be incarcerated. The average expenditure to house an adult offender was \$20,287 in FY 2008.

If biological evidence of a crime is available, the Indiana State Police Crime Laboratory would analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists in the State Police Lab would also testify in court concerning the validity of the DNA analyses that they perform.

Explanation of State Revenues:

Explanation of Local Expenditures: The added costs associated with this bill will depend on how often evidence concerning unsolved sex crimes involving children becomes available and also how often prosecuting attorneys choose to prosecute these cases. Any increase in statewide expenditures would be minimal, but the costs to any particular county could be high depending on the county's revenue base. The out-of-pocket costs for a county would include investigation, analysis and testimony of expert witnesses, and overtime costs of county sheriffs and other law enforcement personnel.

The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial courts, prosecuting attorneys.

Information Sources: Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.